

EXHIBIT F

ICE denial of 3/12/2021

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
250 Delaware Avenue, Floor 7
Buffalo, New York 14202



**U.S. Immigration
and Customs
Enforcement**

March 12, 2021

Michael E. Marszalkowski, Esq.
370 Franklin Street
Buffalo, NY 14202

RE: Hernandez Arellano, Abigail
A# 214 088 660

Dear Mr. Marszalkowski:

This letter is in response to your recent correspondence requesting release for your client, Abigail Hernandez Arellano. After a careful review of the evidence you submitted and the immigration file, your request for release is denied.

Sincerely,

Dennis C. Rau, Jr.

(for) Thomas E. Feeley
Field Office Director
Buffalo, NY

Attachments
cc: File A214 088 660

www.ice.gov



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Admitted in New York

March 10, 2021

Via UPS and
Buffalo.Outreach@ice.dhs.gov

USDHS/ERO
Attn: Field Director
250 Delaware Avenue, 7th Floor
Buffalo, NY 14202

Dear Director:

Re: URGENT – MENTAL HEALTH CONDITION and
REQUEST FOR RELEASE FROM DETENTION
Abigail Hernandez Arellano, A214-088-660

I make this urgent request for the humanitarian and discretionary release of my client, Abigail Hernandez, under the February 18, 2021 Memorandum of Acting ICE Director Tae Johnson. My Notice of Appearance on Form G-28 is on file. I attach another for your ease of reference.

1. Abigail does not fall within any of the 3 Priority Categories.
2. Abigail is severely Intellectually Disabled, with a Very Low IQ of 57. This puts her in the lowest 99.8% of the population. She has the intellectual capacity of an 8-10 year old. (see attached). Her indefinite unending detention raises serious Constitutional and Disability rights concerns.
3. Abigail has been in ICE detention for nearly three years, since June 2018.
4. Her Petition for Review at the Second Circuit Court of Appeals asylum case is ongoing.
5. She as an ongoing Stay of Removal issued by the Second Circuit Court of Appeals (see attached).
6. Abigail has been forced to move twice recently, due to Covid-19 outbreaks and protection concerns at the Batavia Detention Center. This forces her into a quarantine and isolated/solitary status. She also leaves from a detained setting to a jail. She has reported several upsetting incidents about how she is being treated at her current location of Rensselaer County Jail. (She has been kept in quarantine more than 14 days; she was not allowed to shower for 7 days).

7. Abigail's only conviction is for a Misdemeanor under NY Penal Law Section 240.50 for falsely reporting an incident in the third degree (see attached). She is not guilty of the charge allegations – only of the crime for which she was convicted. She made a baseless threat. She was incapable of carrying out any action. The sentencing Judge, the Probation Department and the County prosecutor agreed that Abigail should not go to jail and she was sentenced to probation. That is clear evidence from sworn, experienced professionals that Abigail was not considered a threat to the community.

8. Abigail has proven that she is rehabilitated and is not a threat based on her 3 years of model behavior and compliance while in criminal and immigration detention.

9. Abigail continues to have significant family and community support (see attached). She will return to her long-time family home in Rochester to live with her mother, step-father and younger brother.

Please respond as soon as possible to this urgent matter.

Very truly yours,

Michael E. Marszalkowski, Esq.

Encl.

cc: Carol Bridge, USICE Office of the Chief Counsel, Batavia, NY